

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No. 75966

Robert Campion
Debra Campion

914 Lutz Avenue

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on June 16, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 35-5-302 (b)(1), failure to repair hole in roof; 35-5-302 (b)(3), failure to repair/ replace missing gutters; 13-7-310 (a), failure to remove junk and yard debris; Baltimore County Zoning Regulations (BCZR) section 428B, failure to remove untagged/inoperable vehicle from residential property known as 914 Lutz Avenue, 21221.

On May 22, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Ryan Fisher issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$2,000.00 (two thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on April 20, 2010 for removal of untagged/inoperative motor vehicles; remove trash, debris, wood debris, junk; cut and remove tall grass and weeds; repair metal/wood surfaces; repair roof; repair damaged siding. This Citation was issued on May 22, 2010.

B. Photographs in the file show a green van parked next to the house with its hood raised and partially on blocks. Notes in the file by Inspector Fisher state that the van is untagged and appears to be inoperable. County zoning regulations prohibit the outside storage of inoperative motor vehicles on a residential lot. BCZR Section 428.1(A). The outside storage of unlicensed motor vehicles is also prohibited, except for one vehicle per dwelling unit for a period not exceeding 15 days in any calendar year. Section 428.1(B). Respondents have exceeded this limitation. Respondents must put valid tags on the vehicle and make it operable, or remove it from the property.

C. Photographs in the file show there is damaged siding on the house. Photographs also show damaged soffits along the roofline, with bare wood showing through peeling paint, and no gutters on at least part of the roof. Photographs show at least one section of damaged roof, and Inspector Fisher's notes in the file state that there is a hole in the roof on the rear left side. Respondent is required by law to maintain the exterior of the house at least in conformance with county code standards, including keeping all "[e]xposed surfaces of metal or wood in good repair, in a structurally sound condition, and protected against decay, rust, peeling, or flaking." BCC Section 35-5-302.

D. Photographs in the file show junk and debris on the property including old plywood and yard debris. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. BCC Section 13-4-201, Section 13-7-309, Section 13-7-310.

E. Re-inspection on June 15, 2010 found the violations not corrected. Because compliance is the goal of code enforcement, and because there is no indication in the file of recent prior code violations, the civil penalty will be rescinded if the violations are corrected within the time provided below. If the violation is not corrected, the full civil penalty shall be imposed, Respondents will be subject to additional Citation, and the County will be authorized to remove junk and debris and also to remove the untagged vehicle, at Respondents' expense.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$2,000.00 (two thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if the violations are corrected by August 2, 2010.

IT IS FURTHER ORDERED that after August 2, 2010, the County may enter the property for the purpose of removing all junk, trash and debris, at Respondents' expense.

IT IS FURTHER ORDERED that after August 2, 2010, the County may enter the property for the purpose of removing the untagged vehicle, at Respondents' expense.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 21st day of June 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer